

109TH CONGRESS
1ST SESSION

H. R. 255

To prevent commercial alien smuggling, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2005

Ms. JACKSON-LEE of Texas introduced the following bill; which was referred
to the Committee on the Judiciary

A BILL

To prevent commercial alien smuggling, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as—

5 (1) the “Commercial Alien Smuggling Elimini-

6 nation Act of 2005”; or

7 (2) the “CASE Act of 2005”.

8 **SEC. 2. NEW CLASS OF NONIMMIGRANT ALIENS.**

9 (a) IN GENERAL.—Section 101(a)(15)(S) of the Im-

10 migration and Nationality Act (8 U.S.C. 1101(a)(15)(S))

11 is amended—

1 (1) in clause (i), by striking “or” at the end;

2 (2) in clause (ii), by striking the comma at the

3 end and inserting “; or”;

4 (3) by inserting after clause (ii) the following:

5 “(iii) who the Secretary of Homeland Se-

6 curity, the Secretary of State, or the Attorney

7 General determines—

8 “(I) is in possession of critical reliable

9 information concerning a commercial alien

10 smuggling organization or enterprise;

11 “(II) is willing to supply or has sup-

12 plied such information to a Federal or

13 State court; and

14 “(III) whose presence in the United

15 States the Secretary of Homeland Secu-

16 rity, the Secretary of State, or the Attor-

17 ney General determines is essential to the

18 success of an authorized criminal investiga-

19 tion, the successful prosecution of an indi-

20 vidual involved in the commercial alien

21 smuggling organization or enterprise, or

22 the disruption of such organization or en-

23 terprise,”;

24 (4) by inserting “, or with respect to clause

25 (iii), the Secretary of Homeland Security, the Sec-

1 retary of State, or the Attorney General” after
2 “jointly”; and

3 (5) by striking “(i) or (ii)” and inserting “(i),
4 (ii), or (iii)”.

5 (b) ADMISSION OF NONIMMIGRANTS.—Section
6 214(k) of the Immigration and Nationality Act (8 U.S.C.
7 1184(k)) is amended—

8 (1) by adding at the end of paragraph (1) the
9 following:

10 “The number of aliens who may be provided a visa as non-
11 immigrants under section 101(a)(15)(S)(iii) in any fiscal
12 year may not exceed 400.”; and

13 (2) by adding at the end the following:

14 “(5) If the Secretary of Homeland Security, the Sec-
15 retary of State, or the Attorney General determines that
16 the identity of a nonimmigrant described in clause (iii) of
17 section 101(a)(15)(S), or that of any family member of
18 such a nonimmigrant who is provided nonimmigrant sta-
19 tus pursuant to such section, must be protected, such offi-
20 cial may take such lawful action as the official considers
21 necessary to effect such protection.”.

1 **SEC. 3. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO**
2 **THAT OF PERSON ADMITTED FOR PERMA-**
3 **NENT RESIDENCE.**

4 Section 245(j) of the Immigration and Nationality
5 Act (8 U.S.C. 1255(j)) is amended—

6 (1) in paragraph (3), by striking “(1) or (2),”
7 and inserting “(1), (2), (3), or (4),”;

8 (2) by redesignating paragraph (3) as para-
9 graph (5);

10 (3) by inserting after paragraph (2) the fol-
11 lowing:

12 “(3) If, in the opinion of the Secretary of Homeland
13 Security, the Secretary of State, or the Attorney Gen-
14 eral—

15 “(A) a nonimmigrant admitted into the United
16 States under section 101(a)(15)(S)(iii) has supplied
17 information described in subclause (I) of such sec-
18 tion; and

19 “(B) the provision of such information has sub-
20 stantially contributed to the success of a commercial
21 alien smuggling investigation, the disruption of a
22 commercial alien smuggling operation, or the pros-
23 ecution of an individual described in subclause (III)
24 of that section,

25 the Secretary of Homeland Security may adjust the status
26 of the alien (and the spouse, married and unmarried sons

1 and daughters, and parents of the alien if admitted under
 2 that section) to that of an alien lawfully admitted for per-
 3 manent residence if the alien is not described in section
 4 212(a)(3)(E).

5 “(4) The Secretary of Homeland Security may adjust
 6 the status of a nonimmigrant admitted into the United
 7 States under section 101(a)(15)(S)(iii) (and the spouse,
 8 married and unmarried sons and daughters, and parents
 9 of the nonimmigrant if admitted under that section) to
 10 that of an alien lawfully admitted for permanent residence
 11 on the basis of a recommendation of the Secretary of State
 12 or the Attorney General.”; and

13 (4) by adding at the end the following:

14 “(6) If the Secretary of Homeland Security, the Sec-
 15 retary of State, or the Attorney General determines that
 16 the identity of a person whose status is adjusted under
 17 this subsection must be protected, such official may take
 18 such lawful action as the official considers necessary to
 19 effect such protection.”.

20 **SEC. 4. BRINGING IN AND HARBORING CERTAIN ALIENS.**

21 (a) CRIMINAL PENALTIES.—Section 274(a) of the
 22 Immigration and Nationality Act (8 U.S.C. 1324(a)) is
 23 amended by adding at the end the following:

24 “(4) In the case of a person who has brought aliens
 25 into the United States in violation of this subsection, the

1 sentence otherwise provided for may be increased by up
2 to 10 years if—

3 “(A) the offense was part of an ongoing com-
4 mercial organization or enterprise;

5 “(B) aliens were transported in groups of 10 or
6 more; and

7 “(C) aliens were transported in a manner that
8 endangered their lives or the aliens presented a life-
9 threatening health risk to people in the United
10 States.”.

11 (b) REWARDS PROGRAM.—Section 274 of the Immi-
12 gration and Nationality Act (8 U.S.C. 1324) is amended
13 by adding at the end the following:

14 “(e) REWARDS PROGRAM.—

15 “(1) IN GENERAL.—There is established in the
16 Department of Homeland Security a program for
17 the payment of rewards to carry out the purposes of
18 this section.

19 “(2) PURPOSE.—The rewards program shall be
20 designed to assist in the elimination of commercial
21 alien smuggling involving the transportation of
22 aliens in groups of 10 or more—

23 “(A) in a manner that endangers their
24 lives; or

1 “(B) who present a life-threatening health
2 risk to people in the United States.

3 “(3) ADMINISTRATION.—The rewards program
4 shall be administered by the Secretary of Homeland
5 Security, in consultation, as appropriate, with the
6 Attorney General and the Secretary of State.

7 “(4) REWARDS AUTHORIZED.—In the sole dis-
8 cretion of the Secretary of Homeland Security, such
9 Secretary, in consultation, as appropriate, with the
10 Attorney General and the Secretary of State, may
11 pay a reward to any individual who furnishes infor-
12 mation or testimony leading to—

13 “(A) the arrest or conviction of any indi-
14 vidual conspiring or attempting to commit an
15 act of commercial alien smuggling involving the
16 transportation of aliens in groups of 10 or
17 more—

18 “(i) in a manner that endangers their
19 lives; or

20 “(ii) who present a life-threatening
21 health risk to people in the United States;

22 “(B) the arrest or conviction of any indi-
23 vidual committing such an act;

1 “(C) the arrest or conviction of any indi-
2 vidual aiding or abetting the commission of
3 such an act;

4 “(D) the prevention, frustration, or favor-
5 able resolution of such an act, including the dis-
6 mantling of a commercial alien smuggling orga-
7 nization in whole or in significant part; or

8 “(E) the identification or location of an in-
9 dividual who holds a key leadership position in
10 a commercial alien smuggling operation involv-
11 ing the transportation of aliens in groups of 10
12 or more—

13 “(i) in a manner that endangers their
14 lives; or

15 “(ii) who present a life-threatening
16 health risk to people in the United States.

17 “(5) AUTHORIZATION OF APPROPRIATIONS.—
18 There are authorized to be appropriated such sums
19 as may be necessary to carry out this subsection.
20 Amounts appropriated under this paragraph shall
21 remain available until expended.

22 “(6) INELIGIBILITY.—An officer or employee of
23 any Federal, State, local, or foreign government
24 who, while in performance of his or her official du-
25 ties, furnishes information described in paragraph

1 (4) shall not be eligible for a reward under this sub-
2 section for such furnishing.

3 “(7) PROTECTION MEASURES.—If the Secretary
4 of Homeland Security, the Secretary of State, or the
5 Attorney General determines that the identity of an
6 individual who furnishes information or testimony
7 described in paragraph (4), or the identity of any
8 spouse, parent, son, or daughter of such an indi-
9 vidual, must be protected, such official may take
10 such lawful action as the official considers necessary
11 to effect such protection.

12 “(8) LIMITATIONS AND CERTIFICATION.—

13 “(A) MAXIMUM AMOUNT.—No reward
14 under this subsection may exceed \$100,000, ex-
15 cept as personally authorized by the Secretary
16 of Homeland Security if such Secretary deter-
17 mines, in consultation, as appropriate, with the
18 Attorney General and the Secretary of State,
19 that the offer or payment of an award of a larg-
20 er amount is necessary to combat a commercial
21 alien smuggling operation involving the trans-
22 portation of aliens in groups of 10 or more—

23 “(i) in a manner that endangers their
24 lives; or

1 “(ii) who present a life-threatening
2 health risk to people in the United States.

3 “(B) APPROVAL.—Any reward under this
4 subsection exceeding \$50,000 shall be person-
5 ally approved by the Secretary of Homeland Se-
6 curity.

7 “(C) CERTIFICATION FOR PAYMENT.—Any
8 reward granted under this subsection shall be
9 certified for payment by the Secretary of Home-
10 land Security.”.

11 (c) OUTREACH PROGRAM.—Section 274 of the Immi-
12 gration and Nationality Act (8 U.S.C. 1324), as amended
13 by subsection (b), is further amended by adding at the
14 end the following:

15 “(f) OUTREACH PROGRAM.—The Secretary of Home-
16 land Security, in consultation, as appropriate, with the At-
17 torney General and the Secretary of State, shall develop
18 and implement an outreach program to educate the public
19 in the United States and abroad about—

20 “(1) the penalties for bringing in and harboring
21 aliens in violation of this section; and

22 “(2) the financial rewards and other incentives
23 available for assisting in the investigation, disrup-

1 tion, or prosecution of a commercial smuggling oper-
2 ation.”.

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